

REMARKS

Reconsideration, withdraw of the present rejections and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

With respect to the Examiner's comments concerning the Information Disclosure Statement, form PTO-1449 was erroneously submitted and applicant is unaware of any reference that was to be cited in connection with this application.

Claims 1 and 19 have been amended to address the informalities cited by the Examiner.

Claims 1-22 remain pending in this application. Claims 1, 8, 9, 13, 19, 20, 21 and 22 have been amended. Support for the amendments is found at paragraphs 2, 9, 33, 34 and other locations throughout the specification.

The amendments are intended to further clarify the invention of the instant application from the cited prior art which are generally point of sale type systems. The invention relates to a package that contains a number of pre-printed items, including business forms with wristbands that may be used by a group or family for participating in an event or outing. The package also contains software and pre-printed collateral material all of which is mailed or delivered to a customer so that the forms and wristbands can be completed in advance of an event. The customer then prepares the business forms for each member of the group so that the group is prepared to participate in the activity when it arrives at the destination. Each of the independent claims recites the use of business forms, with each having a wristband that is used to print information relating to the activity and the group member.

Claims 1-22 have been rejected by the Examiner in the present Official Action. Claims 1-8, 11, 12 and 21 have been rejected under 35 U.S.C. 102(b) as being anticipated by Engelson et al. (US patent 6,671,563); claim 9 has been rejected under 35 U.S.C. 103(a) as unpatentable over Engelson et al. (US patent 6,671,563) in view of Jackson (Pub. No. US 2003/0213843); claim 10 has been rejected under 35 U.S.C. 103(a) as unpatentable over Engelson et al. (US patent 6,671,563) in view of Mullins et al. et al. (Pub. No. US 2004/0056088); claims 13-19 has been rejected under 35 U.S.C. 103(a) as unpatentable over Engelson et al. (US patent 6,671,563) in view of Lancos et al. (Pub. No. 2002/0074398); and claims 20 and 22 has been rejected under 35 U.S.C. 103(a) as unpatentable over Engelson et al. (US patent 6,671,563) in view of Mullins et al. (Pub. No. US 2004/0056088). Reconsideration and withdraw of the rejection is earnestly solicited.

Claim 1, as amended, includes providing a number of recognition elements, business forms with wristbands, to a small group or family. The system includes a number of prepackaged business forms, each having a removable printable wristband. The system is used to collect information and format the information for printing both static and distinct indicia on the business forms and wristbands and produces information for each member of the group or family.

The standard for section 102 is well known. "A claim is anticipated if each and every element as set forth in the claim is found, either expressly or inherently described, in a single, prior art reference." Verdegaal Bros. V. Union Oil Co., of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

If each and every element of the claims is not found in a single prior art reference, there is no anticipation of the claim. With respect to claim 1, the limitation of preparing recognition elements for a small group or family is simply not found in Engelson et al. Instead, the system described in Engelson et al. is set up to handle individual patients, not groups or families and Engelson et al. contain no such disclosure. In addition, Engelson et al. do not disclose a printable wristband. Rather, the information relating to the patient, such as “name, age, allergies or other vital information is encoded into the barcode 175” (column 12, lines 55-60). The information is printed on to the bar code label which is then applied to the wristband. Figure 6 illustrates a sheet of labels with bar codes printed thereon. The labels are removed and applied to pharmacy vials, badges, etc. see column 13, lines 10-15. Thus, Engelson et al. do not anticipate claim 1 as it does not disclose a printable wristband or preparing a series of bands for members of a group.

In addition, the amendments made to claim 1, provide that a package of business forms, each with detachable wristbands is provided and that the system renders indicia on each of the forms and wristbands for each member of the group or family. The indicia that is provided is generated in both static and distinct or personalized formats so that members of a group can be identified, yet each participant in an activity may have some personalized information printed thereon. Engelson et al. produce an individual band for each patient and contains no disclosure about a package of business forms, each having a removable wristband. Patients of a hospital would not want bands that contain repetitive information or identifies patients as part of a group or requiring a particular treatment. Moreover, generating such information may violate certain mandates such as those provided under HIPPA which is related to patient privacy for healthcare information. Thus, Engelson et al. do not disclose the amendments made to the claim, nor could Engelson et al. be so modified to suggest the limitations found within claims.

Claims 2 through 7 are believed to be allowable over Engleson et al. as they are dependent upon claim 1, the limitations of which are not found in any single reference.

Claim 8 has been amended to include the limitation concerning the use of package of business forms, with each of the forms having a wristband. The claim also includes that the package is to be used in connection with a small group or family. As previously discussed above, Engelson et al. does not disclose or suggest any of these limitations and as such does not anticipate claim 8.

With respect to claim 11, the claim recites a package that includes decorative labels for personalizing a wristband. A sheet of bar coded labels, which is the only disclosure contained within Engelson et al. would not be considered decorative so as to add to the festive nature of the event that the group or family is attending. It is unlikely; a patient at a hospital would consider the event festive or would desire to add decorative labels to the wristband that is being used to treat the patient for some sort of alignment. Thus, Engelson et al. do not disclose or suggest the use of decorative labels for a wristband.

Claim 12 is dependent upon a claim that is otherwise not anticipated by the reference of record for the reasons set forth above and is therefore allowable.

Claim 21 has been amended in a similar fashion with that of claims 1 and 8 to emphasize the use of a business form with a detachable wristband that are used in connection with a group or family outing. As previously discussed, there is no disclosure in Engelson et al. with respect to a business form/wristband combination that is used for a small group or family event. As such, the reference does not anticipate the claim and the claim should be allowed over the reference.

Engelson et al. disclose that reports are generated as part of the system; however, there is no disclosure that the reports are produced on business forms or alternatively that the reports are produced on business forms which have removable wristbands. Rather, Engelson et al. only disclose the printing of bar codes on bracelets, badges and labels that are used to track medication and treatments that are being administered to patients under the care of a certain facility or personnel.

Claim 9, which has been rejected over Engelson et al. in view of Jackson, recites a package that includes marketing materials relating to possible applications for the identification package. Applicant disagrees that Engelson et al. would be modified as suggested by the Examiner. It is unlikely that the patient wristband would be printed with possible applications that may be performed on the patient while in a hospital or care facility. Rather, the relevant information that would be encoded to the bar code would pertain to the patient's condition as well as information relating to allergies, etc. Possible treatments for the patient would be developed over time and through evaluation. In any event, Applicant has further amended claim 9 to indicate that printed materials are provided in the package to clarify the difference between the invention and the cited art. Jackson does not suggest a package containing printed collateral relating to uses of the business form with wristbands. Rather, Jackson suggests only an automated system from which a user may make a selection which prints out a ticket. Jackson does not contemplate having such previously prepared collateral already in a package and only provides for a point of sale application.

Claim 10, which has been rejected over Engelson et al. in view of Mullins et al., recites the additional limitation of a package, for small groups or families engaging in an activity that includes promotional offers to consumer products or services. Engelson et al. in applicant's view would not be modified to include promotional offers for patients in

a health care facility. As provided under HIPPA certain marketing to patients is a prohibited activity. Mullins et al. does not teach or suggest the use of printed promotional items, such as coupons, in a package to be used by the consumer. Applicant has amended claim 10 to reflect that the promotional items are printed. There is no disclosure in Mullins et al. about the provision of additional printed items in a package. As such, the combination does not render the claim unpatentable.

Claims 13-19 have been rejected over Engelson et al. in view of Lancos et al. Applicant has previously amended claim 13 to indicate that a series of business forms each with wristbands are provided in a package for use with a small group or family activity. Engelson et al. would not be modified to sequence members of a group in preparation of an activity. Each patient is unique and requires different treatments and medications. Thus, Engelson et al. would not undergo additional steps of processing members of a group.

Lancos et al. disclose a point of sale system in which information is read and then tickets are dispensed. Lancos et al. describe a number of terminals that may be located in the park to aid in the flow of crowds. The present invention on the other hand is a package, such as one that might be delivered through the mail to a teacher in a school who would then prepare a business form and wristband for each of the students before the students left on a field trip or other outing. The system of the present invention is thus not a point of sale application and is instead a personal identification package that is prepared at one's leisure and as such Lancos et al. teach away from the present invention.

Claims 20 and 22 have been rejected over Engelson et al. in view of Mullins et al. et al. Claim 20 has been amended to indicate that one portion of the wristband is folded over on to another to create a laminated band that protects the printing. See paragraph 50

of the present specification. The construction of Mullins et al. result in revealing an adhesive tab that is secured to another area of the band, to secure the band to the individual. The construction of Mullins et al. do not protect the printing that has been applied by the user of the business form/wristband combination form nor is the adhesive tab folded over. As such, claim 20 is not rendered obvious by the teachings of Mullins et al.

Claim 22 has been amended to indicate that the promotional material that is inserted into the package is printed. Neither Engelson et al. or Mullins et al. disclose or suggest the inclusion of printed promotional material in a package.

Applicant again respectfully requests reconsideration, withdraw of the present rejections and allowance in view of the foregoing amendment and remarks.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited. The Examiner is encouraged to contact the undersigned in the event any small matters remaining outstanding so as to eliminate the necessity of another action and response.

Respectfully submitted,



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